

## Message Text

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PAGE 01 STATE 157756  
ORIGIN DLOS-09

INFO OCT-01 AF-10 IO-14 ISO-00 L-03 SS-15 NSCE-00  
ACDA-12 OES-07 SSO-00 /071 R

DRAFTED BY D/LOS:RBLUMBERG:LS  
APPROVED BY S/AR:AGJAMES  
-----013955 212005Z /63

O R 211908Z JUN 78  
FM SECSTATE WASHDC  
TO USMISSION GENEVA IMMEDIATE  
INFO AMEMBASSY NAIROBI

UNCLAS STATE 157756

E.O. 11652: N/A

TAGS: P/LOS

SUBJECT: LETTER FOR DELIVERY TO F. X. NJENGA

1. ON JUNE 12 LETTER TO F. X. NJENGA, KENYAN MINISTRY OF  
FOREIGN AFFAIRS, WAS POUCHED TO YOU FOR DELIVERY. FOLLOW-  
ING IS A SECOND ENCLOSURE TO BE DELIVERED WITH LETTER.

2. BEGIN TEXT.

-- SEABEDS WORK REMAINING TO BE DONE

-- MAJOR ISSUES:

-- (1) THE COUNCIL - COMPOSITION AND VOTING - ARTICLE 159.

-- (2) ANNEX II - SYSTEM OF EXPLOITATION, INCLUDING THE  
BANKING SYSTEM - PARAS. 2, 3, 4 AND 5.

-- (3) APPLICABILITY TO THE ENTERPRISE OF PART OR ALL OF  
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ANNEX II OR OF COMPARABLE OBLIGATIONS - PARA. 6.

-- (4) ADDITION OF SAFEGUARDS FOR THOSE WHO NEGOTIATE JOINT  
VENTURES WITH THE ENTERPRISE - EITHER ANNEX II OR ANNEX  
III.

-- (5) FINANCIAL TERMS OF CONTRACTS - AMOUNTS - PERCENT-

TAGES AND ELIMINATION OR REDUCTION OF ANNUAL CHARGE TO  
MINE - ANNEX II, PARA. 7.

-- (6) DISPUTE SETTLEMENT - SEC. 6 OR PART XV AND ANNEX  
VI, PARAS. 15 AND 37-41, PLACE MORE EMPHASIS ON ARBITRA-  
TION AND CREATE A COMMERCIAL ARBITRATION OPTION FOR  
CONTRACTUAL AND TECHNOLOGY TRANSFER DISPUTES.

-- (7) REVIEW CONFERENCE - ART. 153 (6) - THE MORATORIUM  
PROBLEM.

-- OTHER ISSUES:

-- (1) DISTRIBUTION OF BENEFITS - ART. 140 - EITHER LIMIT  
TO STATES PARTIES OR MAKE CLEAR THAT AN EXTERNAL DISTRIBU-  
TION SYSTEM WILL BE USED.

-- (2) CHANGE THE TITLE OF SEC. 3 TO "CONDUCT IN THE AREA."

-- (3) MAKE SOME DRAFTING CLARIFICATIONS IN ART. 143 ON  
SCIENTIFIC RESEARCH.

-- (4) ART. 150 BIS - CHANGE "INTERESTED PARTIES" TO  
"MAJOR PRODUCERS AND CONSUMERS" AND DELETE THE SENTENCE  
THAT SAYS THE AUTHORITY REPRESENTS ALL PRODUCTION FROM  
THE AREA. ALSO CLARIFY FUNDING OF COMPENSATION SYSTEM.  
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-- (5) DECIDE THE SITE OF THE AUTHORITY - ART. 154.

-- (6) IF POSSIBLE, RESTORE THE RECALL PROVISION ON  
ASSEMBLY VOTING - ART. 157.

-- (7) CHANGE METHOD OF SELECTION OF THE MEMBERS OF THE  
SEABED DISPUTES CHAMBER - ART. 158.

-- (8) GIVE THE COUNCIL FUNCTIONS CONCERNING COMMODITY  
AGREEMENTS - ART. 160.

-- (9) DELETE "BRAZIL CLAUSE" ON TECHNOLOGY TRANSFER AND  
PARA. 5D (III) OF ANNEX II ON TIMING OF NEGOTIATIONS.

-- (10) DECIDE WHETHER PARTS OR ALL OF THE ANNEXES COULD  
BE MADE SIMPLY THE FIRST REGULATIONS OF THE AUTHORITY,  
SUBJECT TO LATER REVISION BY THE COUNCIL.

-- (11) CLARIFY AND LIMIT THE PRIVILEGES AND IMMUNITIES  
OF THE ENTERPRISE - ANNEX III. VANCE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
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**Current Classification:** UNCLASSIFIED  
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**Subject:** LETTER FOR DELIVERY TO F. X. NJENGA  
**TAGS:** PLOS, PSDC, (NJENGA, F X)  
**To:** GENEVA  
**Type:** TE  
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